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101ST CONGRESS
1st Session

SENATE

REPORT
101-34

EXTENDING TIME LIMITATIONS ON CERTAIN PROJECTS

MAY 25, 1989.—Ordered to be printed

Filed under authority of the order of the Senate of May 18 (legislative day, January 3), 1989

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 750]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 750) extending time limitations on certain projects, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE MEASURE

The purpose of S. 750 as ordered reported is to extend the deadlines for the development of certain licensed hydroelectric projects in Arkansas.

SUMMARY OF MAJOR PROVISIONS

S. 750 would authorize the Federal Energy Regulatory Commission to extend the deadline for commencement of construction on project Nos. 4204, 4659, and 4660 for up to three consecutive 2-year periods for each project. It would create a deadline for completion of the projects for a period not exceeding 5 years after the commencement of construction; and a deadline for the acquisition of real property for the projects for a period not exceeding 5 years from the date of enactment.

The operative language of S. 750 is identical to section 15A(b) of the Electric Consumers Protection Act of 1986 which extended time limitations for certain other hydroelectric projects.

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BACKGROUND AND NEED

Project Nos. 4204, 4659 and 4660 are licensed to Independence County, AR, and the city of Batesville, AR. The projects would be constructed at existing Corps of Engineers locks and dams on the White River in Arkansas and would be operated on a run-of-the-river basis. Total power capacity for the projects is 19 megawatts.

The Federal Power Act requires construction of hydroelectric projects to begin within 2 years of licensing with the possibility of one 2-year extension. The deadlines for completion of construction and acquisition of real property are set by the Federal Energy Regulatory Commission and may be extended in the public interest.

The licensees for project Nos. 4204, 4659, and 4660 have already received the statutorily permitted 2-year extensions of construction deadlines. However, construction has not commenced because of the inability of the licensees to secure contracts for the sale of power from the projects. Arkansas currently has excess electric supply, a situation that was unforeseen by the licensees at the time of licensing. The current oversupply should dissipate in the early 1990's, and the licensees anticipate being able to sign power contracts within 1 year. However, the licenses for the Arkansas projects will begin expiring at the end of 1989.

LEGISLATIVE HISTORY

S. 750 was introduced by Senator Bumpers on April 11, 1989. A hearing was not held on the bill.

At the business meeting on Wednesday, May 17, 1989, the Senate Committee on Energy and Natural Resources ordered S. 750 favorably reported without amendment.

COMMITTEE RECOMMENDATION AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on May 17, 1989, by unanimous vote of a quorum present recommends that the Senate pass S. 750, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford	
Mr. Metzenbaum	
Mr. Bradley	
Mr. Bingaman*	
Mr. Wirth	
Mr. Conrad*	
Mr. Heflin	
Mr. Rockefeller	
Mr. McClure	
Mr. Hatfield*	
Mr. Domenici	
Mr. Wallop*	
Mr. Murkowski*	

Mr. Nickles
Mr. Burns*
Mr. Garn
Mr. McConnell*

*Indicates vote by proxy.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 24, 1989.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 750, a bill to extend construction time limitations on certain hydroelectric projects, as ordered reported by the Senate Committee on Energy and Natural Resources on May 17, 1989.

Based on information from the Federal Energy Regulatory Commission [FERC], CBO estimates that enactment of S. 750 would have no net impact on the Federal budget or on those of State or local governments. The bill would extend the time limitation on completing construction of three federally licensed hydroelectric projects, and would not add significantly to the FERC workload.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kim Cawley, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 750. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact of personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 750, as reported.

EXECUTIVE COMMUNICATIONS

On May 23, 1989, the Committee on Energy and Natural Resources requested legislative reports from the Federal Energy Regulatory Commission and the Office of Management and Budget setting forth executive views on S. 750. These reports had not been received at the time the report on S. 750 was filed. When the reports become available, the chairman will request that they be printed in the Congressional Record for the advice of the Senate.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the committee notes that no changes in existing law are made by the bill S. 750, as reported.

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